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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,419	01/05/2004	Louis Magill	ARCH-101-C1-US	3861

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Martin LeFevour
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4036 Harvey Avenue
Western Springs, IL 60558

EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/752,419

Applicant(s)

MAGILL ET AL.

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 1, is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims, are directed to an algorithm. Specifically, claim 1 recites "means for generating", "describing data", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 112

2. Claims 1-7 are rejected under 35 U.S.C. § 112, first paragraph, as being of undue breadth.

A "single means" claim, i.e. where a means recitation does not appear in combination with another recited element or means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. See *In re Hyatt*, 218 USPQ 195, (CAFC 1983) and MPEP 2164.08(a).

2164.08(a) Single Means Claim

A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt*, 708 F.2d 712, 218 USPQ 195 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor). When claims depend on a recited property, a fact situation comparable to *Hyatt* is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor. Although the court in *Fiers v. Sugano*, 984 F.2d 164, 25 USPQ2d 1601

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(Fed. Cir. 1993) did not decide the enablement issue, it did suggest that a claim directed to all DNAs that code for a specified polypeptide is analogous to a single means claim.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 4, and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, Claims 4, and 5 depend on claim 24. However, claim 24 does not exist. For examination purposes only, the examiner considers claims 4, and 5 to depend on claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. Rejection under 35 U.S.C 102(e), Patent Application Publication or Patent to Another with Earlier Filing Date, in view of the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4-7, are rejected under 35 U.S.C. 102(e) as being anticipated by Minton
U.S Patent 6, 014, 643.

As per claim 1, Minton discloses an automated securities trading system for displaying an interactive open order book and for matching buyer bids to seller offers, comprising:

means for generating a web page which displays("i. e, view") an open order book to a securities buyer or securities seller, said open order book comprising data describing a plurality of current bid prices and a plurality of current ask prices of a specified security and an identification ("i. e, name, see column 10 line 5) of said security.(Note abstract see column 7, lines 35-45 and column 7 line 65 and column 8 line 65).

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As per claim 4, Minton discloses 2, wherein said identification of said security comprises a ticker symbol (i. e, ticker tape") (See column 8 line 65 and column 9 line 5).

As per claim 5, Minton discloses the securities trading system according to claim 24, wherein said means for generating a web page which displays an open order book allows said buyer or seller to aggregate ("i. e, combined") a plurality of buy and sell data. . (Note abstract see column 7 lines 35-45 and column 7 line 65 and column 8 line 65).

As per claim 6, Minton discloses the securities trading system according to claim 1, wherein said means for generating a web page which displays an open order book allows said buyer or seller to manipulate a plurality of buy and sell data. (Note abstract see column 7 lines 35-45 and column 7 line 65 and column 8 line 65).

As per claim 7, Minton disclose the securities trading system according to claim 1, wherein said means for generating a web page which displays an open order book allows said buyer or seller to interact with a plurality of buy and sell data. (Note abstract see column 7 lines 35-45 and column 7 line 65 and column 8 line 65).

7. Claims 2-3, are rejected under 35 U.S.C. 103(a) as being unpatentable Minton U.S Patent 6, 014, 643 in view of Lupien et al (Hereinafter Lupien U.S Patent 5, 101, 353.

As per claim 2, Minton fail to teach the automated securities trading system according to claim 1, wherein said web page includes an identification of a best bid price and an identification of a best ask price.

However Lupien discloses a screen displaying all pending orders for an individual user. Clients can view their orders ranked by size (as displayed), nearness to execution, price move for the day, symbol, etc. The screen is divided so that Sales appear on one half of the screen, Purchases on the other. For each order, the security's symbol, best bid, market or exchange displaying that best bid (an "*" means the best bid resides on the system represented by the current invention), similar information for the ask price, the

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multiple shares represented by the best bid and ask, the size of this client's order in multiples shares and the current limit price associated with this order. (Note abstract and column 7 lines 50-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Minton to include the steps of web page includes an identification of a best bid price and an identification of a best ask price that is taught by Lupien in order to provide a display to users containing the best bid price and asking price for users to view their orders and ranked by size and nearness to execution, price move for the day, symbol.

The benefit would have been to provide a display to users containing the best bid price and asking price for users to view their orders and ranked by size and nearness to execution, price move for the day, symbol.

As per claim 3, Minton fail to teach the automated securities trading system according to claim 1, wherein said web page includes an identification, identification comprises color coding of said best bid price and said best ask price to distinguish them from other bid and ask prices in said plurality of current bid and ask prices.

However Lupien discloses a screen displaying all pending orders for an individual user. Clients can view their orders ranked by size (as displayed), nearness to execution, price move for the day, symbol, etc. The screen is divided so that Sales appear on one half of the screen, Purchases on the other. For each order, the security's symbol, best bid, market or exchange displaying that best bid (an ``*`` means the best bid resides on the system represented by the current invention), similar information for the ask price, the multiple shares represented by the best bid and ask, the size of this client's order in multiples shares and the current limit price associated with this order. (Note abstract and column 7 lines 50-55).

Further color coding the best bid and ask price to distinguish them from the other bid and ask price is old an well known in the art because, first there are more than one techniques that can used to distinguish best bid and ask price from the other bid and

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ask price and further color coding best bid and ask price is simply highlighting it for easy identification.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Minton to include the steps of web page includes an identification, identification comprises color coding of said best bid price and said best ask price to distinguish them from other bid and ask prices in said plurality of current bid and ask prices.

best bid price and an identification of a best ask price in order to provide a display to users containing the best bid price and asking price for users to view their orders and ranked by size and nearness to execution, price move for the day, symbol.

The benefit would have been to provide a display to users containing the best bid price and asking price for users to view their orders and ranked by size and nearness to execution, price move for the day, symbol.

Conclusion

8. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Fisher et al (US Patent 5, 835, 896) teaches method and system for processing and transmitting electronic auction information.

Fisher et al (US 6, 243, 691 Patent) teaches method and system for processing and transmitting electronic auction information..

.Silverman et al (US Patent 5, 077, 665) teaches distributed matching system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 7571-272-6795. The examiner can normally be reached on 7am to 5pm.

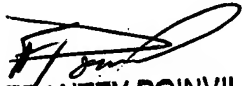
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-2726702. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Sept 6, 2007


FRANTZY POINVIL
PRIMARY EXAMINER
AU 3692